

Application No.: 09/830,920

REMARKS

The Applicants would like to thank the Examiner for providing the opportunity, on May 9 2006, for a telephonic interview to discuss issues associated with the cited prior art reference Magee and rejections based on Magee. During the interview, the Examiner conceded that Magee does not teach a bit rate conversion applied to a bit stream after the bit stream is selected from a transport stream, which is inherently a bit stream, as discussed below. In addition, the Examiner conceded that the "data re-sampling" as discussed in Background section of Magee may be potentially performed on image or video data (not bit stream) prior to producing a bit stream by encoding the sampled data (See Fig. 1 of Magee where module 17 may perform re-sampling and the re-sampled result is then fed to module 19 for encoding to produce a bit stream).

All independent claims 1, 4, 8, and 9 recite "converting a bit rate of the first packet string", where the first packet string whose bit rate is converted is derived from the recited step of "separating a first transport stream into a first TS packet string". It is known in the art that a transport stream is defined as a "bit stream formed prior to transmission of signals by combining the video, audio and data streams of one service". In addition, "a transport stream (TS) is used in MPEG-1, MPEG-2, and MPEG-4 systems protocols" (see Wikipedia, or the free Web encyclopedia). Since it is well-known that MPEG-1, MPEG-2, and MPEG-4 are compression standards which dictates how a bit stream is organized after data is compressed, "a transport stream used in MPEG-1, MPEG-2, and MPEG-4 is necessarily a compressed bit stream. In addition, since the bit rate conversion, as recited in claims 1, 4, 8, and 9, is applied to a packet string separated from a transport stream which is a bit stream, the bit rate conversion is inherently applied to a bit stream and the bit rate conversion is performed after the packet string is separated (or selected) from a transport stream.

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Since the Examiner has conceded that Magee does not teach the above claimed features ((1) bit rate conversion is applied to a bit stream and (2) bit rate conversion is applied after the bit stream is separated from a transport stream), Magee does not anticipate claims 1, 4, 8, and 9. The Applicants respectfully request that rejections of claims 1, 4, 8, and 9 under 35 U.S.C. 102 be withdrawn. Claims 3 and 7 depend from claim 1 and claim 4, respectively. Therefore, Magee does not anticipate claims 3 and 7 for at least the same reasons stated above with respect to claims 1 and 4, respectively, and for additional features recited therein.

In addition, the Applicants respectfully point out that claims 1, 4, 8, and 9 are not obvious over Magee in view of other cited references. Magee teaches a re-multiplexing scheme by which desired data streams are selected and re-multiplexed. There is no suggestion, in Magee, to perform a bit rate conversion on a bit stream after the bit stream is selected, as claimed in claims 1, 4, 8, and 9. On the contrary, as the Examiner has conceded, the re-sampling suggested by Magee is not applied to a bit stream because the output of module 17 in Fig. 1 of Magee is fed to module 19 for encoding, which then produces a bit stream. Therefore, there is no motivation or suggestion in Magee to perform a bit rate conversion on a bit stream after the bit stream is separated from a transport stream. Without such a suggestion, no *prima facie* case of obviousness can be established. Therefore, claims 1, 4, 8, and 9 are not obvious over Magee. Claims 3 and 7 depend from claim 1 and claim 4, respectively. Therefore, claims 3 and 7 are not obvious over Magee for at least the same reasons stated above with respect to claims 1 and 4, respectively, and for additional features recited therein.

The Applicants believe that all pending claims are patentable in their present form because they recite features that are not present in Magee and are not suggested by Magee. Therefore, the Applicants hereby earnestly solicit the Examiner's reconsideration for allowance.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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